

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Viet Thanh Phung,

Civil No. 16-4107 (DWF/FLN)

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

Loretta E. Lynch, Attorney General;  
Jeh Johnshon, Secretary of the  
Department of Homeland Security;  
Jason Sieving, U.S. Ice Field Office  
and Warden of Immigration Detention  
Facility; and Sarah Saldana, Director,  
U.S. Immigration and Custom Enforcement,<sup>1</sup>

Defendants.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Franklin L. Noel dated July 19, 2018. (Doc. No. 11.) No objections have been filed to that Report and Recommendation in the time period permitted. The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. Based upon the Report and Recommendation of the Magistrate Judge and upon all of the files, records, and proceedings herein, the Court now makes and enters the following:

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<sup>1</sup> Defendants Loretta E. Lynch, Jeh Johnson, Sarah Saldana, and Jason Sieving have ceased to hold the positions in which they were sued. *See* ECF No. 8 at n.1. Pursuant to Federal Rule of Civil Procedure 25(d), Respondents are substituted through interlineation for Attorney General Jeff Sessions, Secretary of the Department of Homeland Security, Kirstjen M. Nielson, Acting Director of U.S. Immigration and Customs Enforcement, Thomas Homan, and United States Immigration and Customs Enforcement Field Office Director, Peter Berg.

## **ORDER**

1. Magistrate Judge Franklin L. Noel's July 19, 2018 Report and Recommendation (Doc. No. [11]) is **ADOPTED**.
2. Petitioner Viet Thanh Phung's petition for habeas relief (Doc. No. [1]) is **DENIED AS MOOT**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: August 8, 2018

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge